

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

KYLE FULLERTON

Plaintiff

v.

4:08CV00448 JMM/HLJ

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration,

Defendant

ORDER

Although the amended complaint in this case was filed January 22, 2009, no proof of service has been filed indicating that proper service has been obtained on Defendant, as required by Fed.R.Civ.P. 4(1).

Under these circumstances, the complaint is subject to dismissal. Fed.R.Civ.P. 4(m); Bryant v. Brooklyn Barbecue Corp., 932 F.2d 697, 698 (8th Cir.), cert. denied, 502 U.S. 1005 (1991); Ouzts v. Cummins, 825 F.2d 1276, 1278 (8th Cir. 1987).

Plaintiff must obtain service on Defendant within 30 days of the date of this Order, or the complaint will be dismissed.

IT IS SO ORDERED.

DATED this 20<sup>th</sup> day of May, 2009.

  
UNITED STATES MAGISTRATE JUDGE